

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RECREATIONAL MANAGEMENT OF THE ROCK CREEK WATERWAY BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; DIRECTING THE FISH, WILDLIFE, AND PARKS COMMISSION TO ADOPT RULES TO REGULATE AND ALLOCATE RECREATIONAL AND COMMERCIAL FLOATING, TO RESTRICT RECREATIONAL USE, IF NECESSARY, THROUGH THE IMPLEMENTATION OF A PERMIT SYSTEM, AND TO ESTABLISH RECREATIONAL AND COMMERCIAL USER FEES FOR FLOATING ON THE ROCK CREEK WATERWAY; CREATING AN ACCOUNT FOR USER FEES AND ALLOCATING PROCEEDS IN THE ACCOUNT; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose -- intent. (1) The purpose of [sections 1 through 6] is to:

(a) provide continued recreational and commercial use and enjoyment of Rock Creek, consistent with the creek's capacity;

(b) seek ways to minimize conflicts between creek users and private landowners; and

(c) protect the integrity of Rock Creek's water and canyon resources for future generations.

(2) The intent of [sections 1 through 6] is to interpret and implement [sections 1 through 6] in a manner consistent with the statement of purpose for the state park system in 23-1-101.

(3) [Sections 1 through 6] may not be construed in any way to restrict a landowner's access to or use of that landowner's land, improvements, water rights, or adjacent waterways.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Commission" means the fish, wildlife, and parks commission provided for in 2-15-3402.

(2) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

(3) "Rock Creek" means the Rock Creek waterway located in Granite County from the headwaters of Rock Creek downstream to Butte Cabin Creek.

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2 **NEW SECTION.** **Section 3. Management responsibility and plan.** The department has the primary
3 recreational management responsibility for Rock Creek, consistent with the purpose stated in 23-1-101 and
4 [section 1]. Rock Creek must be administered to:

- 5 (1) allow the continuation of compatible existing recreational and public land uses;
6 (2) maintain the opportunity to enjoy the natural scenic beauty and solitude; and
7 (3) conserve fish and wildlife and scientific and recreational values.

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9 **NEW SECTION.** **Section 4. Rulemaking authority.** The commission has authority to provide for the
10 administration of Rock Creek. The commission shall adopt rules to:

11 (1) regulate and allocate recreational and commercial floating to preserve the biological and social
12 benefits of recreational and commercial use of Rock Creek in its natural state. Recreational use may be restricted
13 to preserve the experience of floating and fishing in a natural environment and to protect Rock Creek's fish,
14 wildlife, water, and canyon resources. The restrictions must:

- 15 (a) consider the tolerance of adjacent landowners to recreational use;
16 (b) consider the capability of Rock Creek to accommodate floating use; and
17 (c) ensure an acceptable level of user satisfaction, including minimizing user conflicts and providing for
18 a level of solitude.

19 (2) restrict recreational use, if necessary, through the implementation of a permit system. An allocation
20 of a portion of the permits may be made to licensed outfitters to preserve the availability of outfitting services to
21 the public.

22 (3) regulate the activities of recreational and commercial users of the water in Rock Creek that is legally
23 accessible to the public:

- 24 (a) for the purposes of safety, health, and protection of property;
25 (b) to preserve the experience of floating and fishing in a natural environment;
26 (c) to protect Rock Creek's fish, wildlife, water, and canyon resources; and
27 (d) to minimize conflicts between recreationists and private landowners; and
28 (4) establish recreational and commercial user fees for floating on Rock Creek.

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30 **NEW SECTION.** **Section 5. Allocation of user fees -- expenditure of Rock Creek corridor**

1 **enhancement account.** (1) All money collected as recreational and commercial user fees for floating on Rock
2 Creek pursuant to [section 4] must be deposited in the state treasury in a Rock Creek corridor enhancement
3 account in the state special revenue fund to the credit of the department.

4 (2) Money deposited in the Rock Creek corridor enhancement account must be expended to:

5 (a) protect and enhance the integrity of the natural and scenic beauty of Rock Creek and its recreational,
6 fisheries, and wildlife values;

7 (b) pursue projects that serve to protect, enhance, and restore fisheries habitat, streambank stabilization,
8 erosion control, and recreational values within Rock Creek; and

9 (c) administer the permitting system established in [section 4].
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11 NEW SECTION. **Section 6. Penalty.** A person who knowingly or purposely violates a rule of the
12 commission adopted pursuant to [sections 1 through 6] is guilty of a misdemeanor punishable by a fine of not less
13 than \$50 or more than \$500, by imprisonment in a county jail for a term of not more than 6 months, or by both
14 fine and imprisonment.
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16 NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 6] are intended to be codified
17 as an integral part of Title 23, chapter 2, and the provisions of Title 23, chapter 2, apply to [sections 1 through 6].
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19 NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.
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